

1885-006 Chancery Causes: Charles E. Baylor vs. Asa R. Fletcher &c
Lee Co.

Thompson

CA-Debt
T-Property

-Deed

To the Hon John A. Kelly Judge of the Circuit
Court of Lee County, Virginia

Charles E. Baylor of said county humbly com-
plaining respectfully sheweth unto your Honor
that on the 4th day of February 1884 he obtained
before John W. Woodard a justice of the peace for the
said county a judgment at law against Asa R.
Fletcher as A. R. Fletcher and D. C. Thompson for the
sum of \$80.00 with legal interest thereon from the
11th day of April 1883 till paid, and the costs of \$1.00
and the original warrant on which said judgment was
rendered, the said judgment and the execution which
was issued thereon is herewith filed as a part of
this bill marked (A) Your Orator further

states that each and every part of said judgment,
is now due and owing to him, no part thereof
having ever been paid to him, either by said Fletcher
or Thompson, or any one else for them: on the
execution which issued upon said judgment one
C. D. Smith a constable of said county has made
a return thereon of "no property found."

Your Orator further states that said judgment
has been docketed on the lien docket in the clerk's
office of the County Court of Lee County and indexed
in the name of said Fletcher & Thompson.

Your Orator further states that at the time said
judgment was rendered as well as now the
said A. R. Fletcher was and is the owner of said

estate lying and being in said county of Lee on Passes
river about 13 miles South West from Lee Beach House
and near the Tennessee line, a part of which said
Fletcher purchased from Elizabeth Walfenburger another
part from Sallie Fletcher and another part from
one Susan King, all which are shown and described
in the several deeds by which the same were conveyed
to him, copies of which are herewith filed as parts of
this bill, the first, marked (B.) the second (C.) and
the third (D). Your Orator states that said judgment
at law before referred to operates and constitutes
a lien on said real estate, the rents and profits
of which will not in five years pay and dischar-
ge said judgment, and he is advised that it
is the province of a court of equity to enforce liens
like this, and to obtain that relief is the object
of this bill. The premises concluded the prayer
of your Orator is that said A.R. Fletcher and D.E.
Thompson be made defendants to this bill, and be
required to answer the same fully on Oath, that
upon a hearing of the cause a decree be rendered dire-
cting so much of said land to be sold as will be sufficient
to pay said judgment and cost. And if your Orator
is in any way mistaken in this his Special prayer
then he prays for all such general relief as it is
meet for a court of equity to grant in the premises
May the Commonwealth v. of Sp. issue directed &c.

Henry J. Morgan for Plff.

Co. 3.87 Pa
Co. 1.90
3 1.00
15.00
Estima. 2.00 - 1.27 pd
\$23.77.

^{D. J. M}
Charles E. Bayler.

vs. } Bill

Asa R. Fletcher + al

1884. May 5th Bill Filed
" June 1st Exd + D. N.
" July, D. N. Confd + Contd.
" Aug. Cause set for hearing
by the Plaintiff.
" Aug. Decree + Contd.
1885 Mr. Decree final

Chas. E. Bayler.

Plff

vs.

Asa R. Fletcher and

Defts

In Chancery

This cause came on further to be heard on this day, and the papers heretofore read in the cause, and the report of Henry J. Morgan comr. dated Oct 1st and filed in the cause Oct 30th 1884 showing the raising of the bond in the bill mentioned for two years for a sum sufficient to pay the debt and costs, and was argued by counsel, and the said report being unaccepted to. On consideration of all which it is adjudged ordered and decreed that said report be and the same is hereby confirmed, and it appearing from said report that said Bayler had accepted two bonds of \$44.17 each in settlement of the debt decreed him in the cause, and in this way the object of the suit has been attained, and nothing further to be done in the premises, the parties are therefore hence dismissed, and the cause stricken from the docket.

Chas E. Bayler

20. } Darn No 2 fine

Asa R. Fletcher

March Term 1885.

^dEntered page 419.

J. A. G. Hyatt C. C.

Center
In. 2.4, 1.6
Mar 25/85

Charles E. Baylor

vs.

Asa R. Fletcher and

Peff

vs. Deft

Deft

This cause came on this day to be heard on the bill of the plaintiff and exhibits therewith taken for confessed by the defendants and was argued by counsel. And it being suggested to the court that the real estate of the deft Fletcher will in less than five years pay the debt and costs due the Peff, and the plaintiff being willing to take a decree for the renting of said real estate. On consideration of all which It is adjudged ordered and decreed that the plaintiff receive of the deft A. R. Fletcher \$81.00 with legal interest on \$80.00 from the 11th day of April 1883 till paid the costs of this suit. And if this decree be not paid the Peff within 20 days from this day, then it is further adjudged that the 3 tracts of land in the bill mentioned belonging to the deft Fletcher be rented out for the shortest space of time that the same will yield a sum necessary to pay and satisfy this decree. This renting shall be made at public outcry to the highest ^{bids} at the front door of the court house of Lee county ~~in~~ on same court ^{day} after the same shall have been advertised 30 days prior thereto showing the time terms and place of renting the lease price shall be payable annually bearing interest from the day of leasing, and the lessee ^{is} required to give bond with good security for the lease price of said land, and at said leasing so much cash will be required in hand as will be necessary to pay the costs of suit and such leasing. And H. J. Morgan is appointed a commissioner to execute this decree, who will report his action to the court and the cause is continued

Charles E. Baynes

as { Decm No 1

Asa R. Fletcher vol

Entered pages 391-2

J. A. G. Hyatt C.C.

Enter this decm

Augt 27-1884.

J. A. K.

Chd 157

Chas. E. Bayler

Plff

vs.

Isa. Bay

Asa R. Fletcher & al

Defts

To the Hon John A. Kelly Judge of the Circuit Court of Lee County Virginia:

After having advertised that I would do so, I was ordered on the 21st day of Oct 1884 as directed by a decree entered in this cause on the 27th of Augt 1884. to visit and view the lands in the bill and proceedings mentioned for the shortest space of time that the same would yield a sum necessary to pay the debt and costs decreed the plaintiff in this cause. When Asa R. Fletcher the defendant offered for the use of said land for two years the sum of \$117.69 payable in one and two years with interest from date, and that sum being sufficient to pay said debt and costs, and the best price offered for the same. the said Asa R. Fletcher became the owner of said land for two years at said price of \$117.69.

The said Fletcher thereupon paid me the sum of \$29.35 the costs of said and sale which I have paid out to the proper parties after returning the attorneys fee and 5 per cent commission as shown in the statement hereto attached.

Mr Fletcher then executed to me as Court with Mr. Robinson and A. R. Surgeson as security his two notes or bonds for \$44.17 each bearing interest from date and payable in one and two years. And the plaintiff Bayler being to accept those bonds in settlement of his debt against the said Fletcher; your commission thereupon delivered said two bonds saved as aforesaid to said C. E. Bayler in payment of his said debt.

All which is respectfully submitted.

Henry J. Morgan Const.

Oct 21st 1884.

Cash received on day of Seasing	\$29.35
Attorneys fee retained	\$15.00
5 th cent Com on \$117.69 retained	5.55
Paid Clerk his fee & Estimated cost	5.87
" Clerk co. Const.	1.70
" Sheriff his fee	1.00
	<u>\$29.35</u>

Chas E. Bayler

20. { Const. Report No 1.

Asa R. Hutchinson

1884 Oct 30th filed this day.

J. A. Stewart C.C.

Notice

Chas E. Baylor Peff
 vs. } In Chy.
 Asa R. Fletcher and Defts.

Pursuant to a decree of the Circuit Court of
 Lee County rendered in this cause on the 27th Sep^r Augt, 1884.

C 387
 Bo 6 1.90
 3 1.00
 A. 15.00
 Ret 2.00
 Com 5.58

29.35

I will rent out the lands of the defendant Fletcher to the
 highest bidder at public outcry at the front door of
 the court house of Lee County on the first day of the
 Oct term of the county court of said county for the year
 1884, for the shortest space of time that the same will
 yield the sum necessary to satisfy the claim in the cause.

At this leasing so much cash in hand will be required
 as will the costs of suit and leasing, and as to the residue
 the lessee will be required to give bond with approved sure-
 -ty bearing interest from day of leasing for the deferred
 payments. and these deferred payments are to ^{be} made at
 the end of each current year, during which said lease may
 run.

Henry J. Morgan Court.
 Sep the 12 1884.

Statement & calculation

Decree in favor Peff with interest from April 11 - 1883 for \$81.00

Int on \$80.00 to Oct the 20th 1884.

7.33
 88.33

Acad for costs of chy suit

23.77

" 5 per cent commission on \$111.77

5.58 29.35

Total - - - \$117.68

VIRGINIA, Lee County--To Wit:

To

J. D. Smith

Constable of Said County:

I HEREBY COMMAND YOU TO SUMMON

A. R. Fletcher & E. Thompson if to be

Found in your District, to appear at

J. W. Woodward

in said County, on the *4th*

day of

February

188*4*

before me or such other Justice of said county, as may then be there to try

this Warrant, to answer the complaint of

Chas E Baylon

and upon a claim for money

not exceeding \$100.00, exclusive of interest, to wit: for the sum of \$ *80.00* due by

Note. And then and there

make return of this Warrant. Given under my hand, the *28* day of *Jan*

188*4*

J. W. Woodward J. P.

Chas E Baylon
against

On the *4th* day of *Feb*
(In Debt.)
At

my Office

in-said County.

188*4*

I give *A. R. Fletcher & E. Thompson*
of *April*

JUDGMENT, That the Plaintiff recover of the Defendant, \$ *80.00* with interest thereon from the *4th* day
of *April* 188*3* till paid; and \$ *1.00* for costs.

J. W. Woodward J. P.

VIRGINIA, Lee County--To wit:--To

J. D. Smith

Constable of said County:

I command you, in the name of the Commonwealth of Virginia, that of the goods and chattels of

A. R. Fletcher

& E. Thompson

in your county, you cause to be made the sum of \$ *80.00* with interest thereon from the

11th day of *April*

188*3* till paid, which

Chas E Baylon

has recovered before

me

in a warrant in debt, and also the sum of \$ *1.00*

which were adjudged to the said

A. R. Fletcher & E. Thompson

for costs in prosecuting said warrant. Given

under my hand, the

4th day of *February*

188*4*

J. W. Woodward J. P.

To H. Baylor
Warrant
vs
A. R. Fletcher & B. E. Thompson

Executed and
returned for trial
Feb 4th 1884

J. D. Smith, C. L. C.

Executed no property
found this the 24th
day of April 1884

J. D. Smith, C. L. C.

Apr 26th 1884 Filed
& docketed.

J. R. Gibson clk.

(A)

The writ in Execution
renewed 60 days
from this date this
April 16th 1884
J. W. Woodward, J. P.

This Deed made this 7th day of October in the year 1850. between Elizabeth Wolfimbarger of the county Hancock and State of Tennessee of the first part, and Asa R. Fletcher of Lee county Va. of the second part, Witnesseth that the said Elizabeth Wolfimbarger for and in consideration of the sum of one hundred and twenty five dollars. to her in hand paid, the receipt whereof is hereby acknowledged, hath bargained and sold, and by these presents doth grant, bargain, sell, and convey unto the said A. R. Fletcher all her interest in and to the estate both real and personal of John G. Fletcher deceased, the real estate consisting of one tract or lot of land, lately assigned to the said Elizabeth Wolfimbarger by commissioners, and marked No 5. on the plat filed with their report, in the clerk's office at Jonesville Va estimated to contain 35. acres and bounded as follows Viz. Beginning at a stake 8 feet E. of a corner of Parkey's land and running thence N. 15° W 224 poles to three sycamores and two willows on the south bank of Powell's river, thence down the river as it meanders to a large Sugar tree and papaw corner, corner to the 6th lot. and with a line thereof S. 15° E 227 poles to a corner of Parkey's

land and with his lines at 62° E $2\frac{1}{2}$ poles to a stake thence S. 22° E 2 poles to a stake or rock, thence at 62° E. one half pole to the beginning, To have and to hold the said land, and the said Elizabeth Wolfinbarger doth covenant with the said A. R. Fletcher to warrant the land with all its appurtenances and the said personal estate also free from the claim of herself her heirs &c and all persons whomsoever.

Witness the following signature and seal.

Elizabeth^{her} Wolfinbarger Seal
mark
Virginia Lee County to wit:

D. D. J. Gibbert a Justice of the Peace for the county aforesaid in the State of Virginia, do certify Elizabeth Wolfinbarger has name as signed to the writing above bearing date the 7th day of October 1880. has acknowledged the same before me in my county, given under my hand on this the 8th day of October 1880.

D. J. Gibbert J. P.

Virginia. Lee County Court Clerk's office the 26th day of December 1881. The foregoing deed bearing date October 7th 1880. between Elizabeth Wolfinbarger of Hancock County Tennessee of the first part, and Asa R. Fletcher of Lee County Virginia, of the second part, was admitted to record upon the certificate of D. J. Gibbert a Justice of the

Peace for Lee County Virginia.

Teste-

John R. Gibson Clerk

Attest

Teste John R. Gibson Clerk.

Asa R. Fletcher
From } Copy of Deed
E. Walflinbarger

Seed Book 19'

Page 5-27

J. R. Gibson clh

(B)

Fee for this Copy 50

This Deed made this 1st day of October in the year 1880. between Sarah F. Fletcher of the one part, and Asa R. Fletcher of the other part; both of Lee County Va. Witnesseth that the said Asa R. Fletcher for and in consideration of one hundred and twenty five dollars to her in hand paid the receipt whereof is hereby acknowledged, hath bargained and sold and by these presents do grant, bargain, sell and convey unto the said A. R. Fletcher a certain tract or lot of land lying in the said county, on the S. Side of Powell's River It being the entire share of the said S. F. Fletcher, assigned her by commissioners appointed by order of court to partition the lands of her father J. S. Fletcher decd, and marked No 6 on a plat filed by them in the Clerk's office at Jonesville estimated to contain 36 acres and bounded as follows Viz: Beginning at a corner of Parkey's land and running thence with lines of the same N 31° W 66½ poles to a stake, thence, S 62° W 2 poles to a stake, thence S 31° E 42 poles to a stake at a fence and nearly with the fence S 72° W 20 poles to a cedar and locust, thence leaving Parkey's lines N 15° W 214 poles to a poplar and Sugar tree on the S. bank of the river, thence up the river as it meanders to a poplar and large Sycamore corner to the 5th lot,

and with a line thereof S 15° E 227 poles to the beginning, to have and to hold the said land, And the said Sarah F. Fletcher doth covenant with the said Asa R. Fletcher to warrant the land above described with all its appurtenances free from the claim of herself, her heirs & all persons whomsoever, Witness the following signatures and seal.

Sallie Fletcher Seal

Virginia Lee County to wit:

D. L. J. Gilbert a Justice of the Peace for the county aforesaid in the State of Virginia do certify Sallie F. Fletcher has name as signed to the writing above bearing date the 1st day of October 1880. has acknowledged the same before me in my county, given under my hand this the 8th day of October 1880.

D. J. Gilbert J. P.

Virginia. Lee County Court Clerk's office the 26th day of December 1881. The foregoing deed bearing date October the 1st 1880. between Sallie Fletcher. of the first part, and Asa R. Fletcher of the second part, both of Lee County Virginia, was admitted to record upon the certificate of D. J. Gilbert a Justice of the Peace for Lee County Virginia.

Teste

John R. Gibson clerk

C. Coffey

Teste John R. Gibson clerk

A. R. Fletcher
From } copy of Deed
Sallie Fletcher

Deed Book No 17

Page 526

J. R. Gibson clk.

(6)

See for copy 503

This Indenturee made and entered into this 17th day of March A.D. 1880. Between Susan King, formerly Susan Fletcher of the county of Claiborne and State of Tennessee, heir of John G. Fletcher deceased, of the one part, and Asa R. Fletcher of the county of Lee and State of Virginia, of the other part, Witnesseth that the said Susan King, for and in consideration of one hundred dollars to her in hand paid, the receipt whereof is hereby acknowledged, hath and by these presents doth grant, bargain sell and convey unto the said Asa R. Fletcher and his heirs and assigns forever, a certain tract or parcel of land containing Twenty Seven acres be the same more or less, Situated and lying on both sides of Powell's River in the county of Lee, and State of Virginia. it being the undivided share of land coming to and virtually belonging to the said Susan King as the share of the said Susan, Ancestry from the estate of her father or any other source known as the John G. Fletcher tract and her share in her mother's dower in said tract together with the improvements thereon, to have and to hold unto the said Asa Fletcher his heirs and assigns

will forever, and Susan King, for herself
her heirs and assigns will forever
warrant and defend the title to the
above interest, to said tract or parcel
of land, to the said Asa R. Fletcher
forever free from lawful claim
or title or demand of all persons whom-
soever either in law or equity in tes-
timony whereof the said Susan King
hath hereunto set her hand and seal
the day first above written signed
and sealed in presents. of us.
Susan King Seal

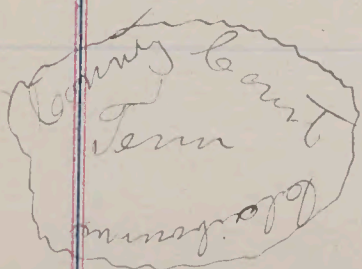
Witnesses.

W. P. Isom.

Millard Meyers.

State of Tennessee }
Claiborne County } Personally appeared before
me H. Ritchie clerk of County Court of said
County the within named Susan King with
whom I am personally acquainted, and who
acknowledged that she executed the annexed
instrument for the purposes therein contained
Witness my hand at office this 20th day of
March 1880.

H. Ritchie Clerk.



Virginia, Lee County Court Clerk's office the 26th
day of Decr. 1887.

The foregoing deed bearing date the 19th
day of March 1885. between Susan King,
of blai'bourn County Tennessee of the
first part, and Asa R. Fletcher of Lee
County Virginia, was admitted to
record upon the Certificate of H. Ritchie
Clerk of blai'bourn County Court in
the State of Tennessee.

Teste John R. Gibson Clerk

Acopy

Teste John R. Gibson Clerk.

Asa Fletcher
Hand Copy of Deed
Susan King

Deed Book
17 P. 5-25-

J. R. Gibson clk

(D)

Fee for this copy .60

THE COMMONWEALTH OF VIRGINIA.

To The Sheriff Of Lee County Greeting :

We Command You to Summon

Asa R. Fletcher
and *D. E. Thompson*

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday in

June next being rule day to answer a bill in Chancery exhibited in our said Court against *them*
by *Charles E. Baylor*

And have then there this writ. Witness J. A. G. HYATT Clerk of our said Court at the Courthouse

This

5th

day of

May

188 *4*, in the 10 *8* year of the Commonwealth.

J. A. G. Hyatt Clerk

H. J. M.

Chas. E. Baylor
vs 3 Spa in Chcy

Asa R. Fletcher
& others.

June Rules 1884.

Executed.

S. H. Ewing S.D.
for R. D. Flannery S. L.C.
June 27 1884

Chd - 157

684

Standing No. 432

-IN-

LEE CIRCUIT COURT.

Pl's ATTY. <i>A. J. M.</i>	Def's ATTY. <i>Charles E. Bales</i>
Pl's costs. vs. { <i>Bill in</i> <i>Chancery.</i> <i>Asse R. Flecher del</i>	Def's costs. \$
Total \$	\$

Reference Docket... Page 33 Line 36

1st calling... Term 188...

Decided *March* Term 188...